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In re application of

Ming Yu Huang

Serial No. 09/501,602

Filed: February 10, 2000

For: AIR PUMP HAVING MINIMUM NUMBER OF PARTS

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed June 4, 2003, for failure to timely pay the required issue fee in response to the Notice of Allowance, dated November 2, 2001. Petitioner asserts that the Notice of Allowance was sent to the incorrect address.

DECISION

Since petitioner asserts that the Notice was never received, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the file and petitioner's evidence provided with the instant petition indicates that the request has merit. Applicants' argue that a change of address was sent to the USPTO on October 16, 2001, with the received amendment.

A review of applicants' evidence was persuasive. Submitted as evidence, is a copy of the dated change of address and the filing receipt from the USPTO, dated October 16, 2001, showing that, in fact, a change of address was submitted.

Therefore, the Notice of Abandonment dated April 26, 2002 is hereby withdrawn. Hence, the case is returned to pending status. The case will be returned to the LIE for 1) entering of the change address, 2) remailing of the Notice of Allowance and Issue Fee Due form, and 3) restarting the time period for payment of the required issue fee.

The Petition is **GRANTED.**

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